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ABSTRACT

This summary of major legislation enacted by the 1989 New York State Legislature affecting education and the professions is organized in eight sections: (1) laws affecting school districts generally; (2) state aid; (3) taxation and financial administration; (4) miscellaneous; (5) laws of local application; (6) higher education; (7) laws affecting the professions; and (8) laws affecting disabled. The laws are identified by chapter number, date when effective, and a brief statement about the subject matter of the legislation with a side topic heading. Listed in the index are chapter and page numbers. (MLF)

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1989 Summary of New Legislation Affecting Education

The University of the State of New York
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Foreword

This summary of major legislation enacted by the 1989 Legislature affecting education and the professions has been prepared with the hope that it will prove useful to the education community.

The statements with respect to each chapter are necessarily brief, and are intended to call attention to the subject matter of the legislation, rather than to provide a definitive review of all its provisions. The complete text of each chapter may be found in the Session Laws of New York 1989, which are available in most law libraries.

Robert E. Diaz
Counsel and Deputy Commissioner
for Legal Affairs

December 1989

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School Buses - Closed Circuit Television Equipment

CHAPTER 39 (effective August 12, 1989) amends subdivision 24 of section 375 of the Vehicle and Traffic Law to authorize the installation of closed circuit television equipment on a vehicle with a weight of 10,000 pounds or more and on school buses for safety and maneuvering purposes. The bill also authorizes the Commissioner of Education to promulgate regulations for the use of such equipment on school buses.

Health Education Curriculum

CHAPTER 94 (effective May 22, 1989) amends subdivision 3 of section 804 of the Education Law pertaining to instruction regarding alcohol, tobacco and other drugs within health education courses to require instruction regarding the dangers of driving while under the influence of alcohol or drugs as an integral part of the required health education course in senior high schools, whether or not such schools also provide driver education courses.

Special Education Mediation Demonstration Program

CHAPTER 107 (effective May 30, 1989) amends Chapter 466 of the Laws of 1988 to extend the operation of the special education mediation demonstration program until April 1, 1991. This chapter also amends §4404-a of the Education Law to extend to January 1, 1991, the deadline by which the Commissioner of Education is required to report to the Legislature and the Governor concerning the effectiveness of such demonstration program.

Separate Counting of Votes in a Centralization Referendum

CHAPTER 135 (effective June 9, 1989) amends Education Law §1803-a(3) to provide that when a referendum is held to vote upon an order of the Commissioner of Education laying out a new central school district and the alternative voting procedure provided by §1803-a is to be used, the votes of the residents of each school district in which a polling place is established shall be counted separately and the proposed centralization shall not occur unless approved by a majority of the votes cast in each school district.

Health Services Projects

CHAPTER 166 (effective June 17, 1989) extends for one additional year the provisions of Chapter 198 of the Laws of 1978 authorizing certain school districts to provide expanded health services to school age and preschool children, and to employ certain registered professional nurses with advanced training and the provision of such services.

Transportation of Certain Handicapped Children

CHAPTER 196 (effective June 24, 1989) amends paragraph (d) of subdivision (4) of section 4402 of the Education Law to renew, for one year, the provision requiring a school district to supply transportation to and from the nonpublic school which a child with a handicapping condition attends, if the child's status was first identified by the local Committee on Special Education (CSE) prior to September 1, 1989, and if the child attends such school for the purpose of receiving services or programs similar to the special education programs recommended for the child by the CSE. As amended, this provision would expire on June 30, 1990.

CHAPTER 212 (effective August 25, 1989) adds a new subparagraph 7 to paragraph b of subdivision 1 of section 4402 of the Education Law to provide that the committee on special education shall provide a copy of the handbook for parents of handicapped children established under Education Law section 4403(8) or a locally approved handicapped booklet to the parents or person in parental relationship to a child as soon as practicable after the determination that such child has a handicapping condition.

Provision of Handicapped Booklet

CHAPTER 243 (made retroactive to July 1, 1989) amends the Education Law and the Family Court Act to provide special education services and programs for preschool children with handicapping conditions who have attained three years of age, in compliance with the provisions of P.L. 94-142, Education of All Handicapped Children Act of 1975.

Preschool Special Education

CHAPTER 303 (effective July 10, 1989) adds a new subdivision 21-g to Section 375 of the Vehicle and Traffic law to require that all new school buses manufactured for use in this State after April 1, 1989, be equipped with back-up beepers.

School Buses - Back-up Beepers

CHAPTER 447 (effective July 1, 1990) amends subdivision 4 of section 804 of the Education Law to require that school districts either use the curriculum for health education instruction regarding alcohol, tobacco, and other drugs that is prescribed by the Commissioner, or a local course of study approved by the Commissioner in accordance with criteria established by the Commissioner.

Health Education Curriculum

CHAPTER 457 (effective July 16, 1989) amends paragraph b of subdivision 5 of section 1906 of the Education Law to provide that in the event the date designated for the annual meeting of a central high school district falls on a religious holiday, the meeting shall be held on the following Tuesday.

Annual Meeting - Central High School District

CHAPTER 538 (effective January 1, 1990) amends provisions of the Public Health Law and regulations relating to immunization to require the administration of an immunizing agent against hemophilus influenza type b (Hib) to each child between 18 months and 5 years of age. The Education Law is also amended to provide that children who are required to receive such immunization not be admitted to school in accordance with the provisions of §2164, subdivision 6 of the Public Health Law unless they are properly immunized, and to amend subdivision 9 of said section to provide that the immunizations generally required of children entering school shall not apply to children whose parent, parents or guardian hold genuine and sincere religious beliefs which are contrary to the practice of immunization. The chapter also makes technical amendments to the Public Health Law and the Education Law.

Immunizations - Hemophilus Influenza Type B

CHAPTER 598 (effective July 21, 1989) renumbers section 1502 of the Education Law to section 1501-b and adds a new section 1502 to authorize boards of education of school districts located entirely or partially in any county with less than two hundred thousand population or any town which has a population of less than one hundred fifty persons per square mile to permit the following persons to ride as passengers on school buses with pupils: residents who are enrolled in education or training programs, including, but not limited to, alternative education programs, vocational, apprenticeship and job training programs, and on-the-job training; children under the age of five traveling between home and day care or preschool programs; and employees of school districts or other educational or training institutions.

School Bus Transportation - Nonpupils

A new paragraph (h) is added to subdivision one of renumbered section 1501-b to add as organizations to which a school district may rent or lease school vehicles, any not-for-profit organization, community based organization, or educational or employment and training agency which provides education or employment and training services for youths and adults in a rural county, as defined by section 73-c of the Transportation Law.

CHAPTER 623 (effective August 31, 1989) amends subdivision 20 of section 375 of the Vehicle and Traffic Law by relettering paragraph i to j and adding a new paragraph i to require every omnibus to have headlights and taillights illuminated whenever it is being used to transport pupils.

School Buses - Headlights and Taillights

CHAPTER 625 (effective November 1, 1989) amends the provisions of the Vehicle and Traffic Law to increase the penalties for those individuals convicted of overtaking and/or passing a school bus in New York State.

School Buses - Increased Penalties for Overtaking/ Passing

For individuals convicted of a second violation within a period of three years, a fine must be imposed of not less than $600 and no more than $750, or by imprisonment of not more than 180 days. For conviction of a third violation within the same time frame, the fine imposed must be no less than $750 and no more $850, with the imprisonment of not more than 180 days.

CHAPTER 627 (effective July 1, 1991) amends section 305 of the Education Law to renumber subdivisions 19, 20, and 21, of such law, to subdivisions 20, 21, and 22 and add a new subdivision 19 to require all elementary and secondary schools to store chemicals present in their science facilities in locked and secure rooms and cabinets in accordance with guidelines promulgated by the Commissioner of Education. Schools are also required to inventory such chemicals at least annually and keep the inventory secure and available for inspection by the Commissioner.

Storage and Inventory of Chemicals

CHAPTER 629 (effective November 18, 1990) amends section 905 of the Education Law by adding a new subdivision 4 which requires schools to perform tests for color perception, distance acuity and near vision within six months of a pupil's admission to school. The test results are to be kept in the pupil's permanent file and made available to his or her parent or person in parental relation, and teachers. The chapter also provides an exemption from such tests for pupils whose parents or guardians object on the grounds the tests conflict with their sincerely held religious beliefs.

Pupil Vision Tests

Transportation Child Care Services

CHAPTER 653 (effective September 1, 1989) amends subdivision 1 of section 3635 of the Education Law to add a new paragraph (f) to authorize a board of education to provide transportation for the children of parents who are attending school, to and from the school which their parents legally attend, to enable such children to receive child care services or attend nursery school or parenting programs. Such transportation is to be made available to children who have a parent under the age of 21 who does not have a high school diploma and is attending school, when such children are accompanied by that parent. The expenses incurred in providing such transportation are to be a charge on the district and are eligible for transportation aid.

Teacher Employment Right

CHAPTER 706 (effective July 24, 1989) adds two new sections, 3014-c and 3014-d, to the Education Law to protect teacher employment rights when a school district (the "sending district"), which had formerly contracted for the education of certain of its students on a tuition basis in another district (the "receiving district"), decides to take back such students and provide them with instruction within the district. The chapter also protects teacher employment rights upon a sending district's determination to send its students to another district for instruction. Each teacher employed by a receiving district at the time a sending district takes back its students would be considered an employee of the sending district, with the same tenure status he or she had maintained in the receiving district. Similarly, each teacher employed by a sending district would be considered an employee of the receiving district, upon the sending district's determination to tuition its students in the receiving district.

Appointment to available positions would be determined by seniority within the tenure area. Teachers not appointed would be placed on a preferred eligible list for a seven-year period. For salary, sick leave and other purposes, the length of service credited in the former district would be credited as employment time in the new district.

Local Assistance Budget - 1988 State Aid Amendments

CHAPTER 53 (the Local Assistance Budget; effective July 1, 1989 in part), in addition to local assistance regular (§6), local assistance - regular reappropriations (§4) and Federal reappropriations (§5), enacts certain amendments to the Education Law and the unconsolidated laws governing State aid (all section references are to the Education Law unless otherwise indicated).

§7 amends section 27 of chapter 53 of the Laws of 1979 (1979 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through June 30, 1990.

§8 amends section 38 of chapter 53 of the Laws of 1980 (1980 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect until June 30, 1990.

§9 amends section 46 of chapter 53 of the Laws of 1981 (1981 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through June 30, 1990.

§10 amends section 38 of chapter 419 of the Laws of 1982 (which contains the 1982 local assistance appropriations), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through June 30, 1990.

§11 amends section 33 of chapter 53 of the Laws of 1983 (1983 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through June 30, 1990.

§12 amends section 58 of chapter 53 of the Laws of 1984 (1984 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through 1990.

§13 amends section 65 of chapter 53 of the Laws of 1985 (1985 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through June 30, 1990.

§14 amends section 22 of chapter 10 of the Laws of 1986 (the 1986 Deficiency Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through June 30, 1990.

§15 amends section 88 of chapter 53 of the Laws of 1986 (1986 Local Assistance Budget), as amended by chapter 53 of the Laws of 1988, to continue certain sections in effect through 1990.

§16 amends section 63 of chapter 53 of the Laws of 1987 (1987 Local Assistance Budget) to continue certain sections in effect through June 30, 1990.

§17 amends section 25 of chapter 810 of the Laws of 1987 (technical corrections bill) to continue certain sections in effect through June 30, 1990.

§18 amends section 85 of chapter 53 of the Laws of 1988 (1988 Local Assistance Budget) to continue certain sections in effect through June 30, 1990.

§19 amends section 19 of chapter 262 of the Laws of 1988 (1988 Local Assistance Budget) to continue certain sections in effect through June 30, 1990.

§20 amends subdivision 8 of section 316 to increase to $3,000,000 the limit of funds that may be provided by the Commissioner to the city school district for the City of New York for teacher resource and computer training centers.

§21 amends subdivision 3 and 4 of section 701 to make technical changes concerning the loaning of school text books and to define "enrollment", for such purposes.

§22 amends subdivision 3 of section 711 to change the means by which the maximum cost for the purchase of school library materials is determined.

§23 amends subdivision 3 of section 751 to change the means by which the maximum cost of the purchase of software programs is determined.

§24 amends subdivision 1 of section 3602 to define enrollment, public school district enrollment and nonpublic school enrollment for purposes of state aid.

§25 amends paragraph c of subdivision 1 section of 3602 to define actual valuation for aid payable in the 1989-90 school year.

§26 amends paragraph i of subdivision 1 of section 3602 to provide that the state wide average actual valuation per total wealth pupil unit shall be established using the actual valuation computed under Education Law section 3602 (1[c]) and to specify the state wide average for the 1989-90 school year to be 138,800.

§27 amends subparagraph 2 of paragraph a of subdivision 3 of section 3602 to provide that the state average actual valuation per pupil in weighted average daily attendance for the preceding school year shall be determined using the actual valuation computed under Education Law section 3602 (1[c]) and to specify for the 1989-90 school year that such state average shall be 158,300.

§28 amends paragraph e of subdivision 2 of section 3602 to remove the reference to paragraph o of Education Law section 355 (2) concerning residence weighted average daily attendance.

§29 amends paragraph a of subdivision 2-b of section 3602 to remove the reference to paragraph o of Education Law section 355 (2) concerning total wealth pupil units.

§30 amends subparagraph 2 of paragraph a of subdivision 6 of section 3602 to specify that the cost allowances for new construction and the purchase of existing structures for school buildings or additions housing special education programs may be increase by the actual expenditure for such purposes but by not more than 25 percent.

§31 amends paragraph c of subdivision 6 of section 3602 to continue the choice of aid ratios for capital outlay and debt service for building aid for the 1989-90 school year.

§32 makes a technical change to subdivision 9-a of section 3602.

§33 amends subdivision 10 of section 3602 to include within its provisions limited english proficiency aid received in the 1990-91 school year and thereafter.

§34 amends subparagraph 4 of paragraph d of subdivision 15 of section 3602 to make changes in the computation of assignable excess actual valvation for purposes of borough aid.

§35 amends subparagraph 1, 2 and 3 of paragraph b of subdivision 16 of section 3602 to make numerous changes in the computation of high tax aid.

§36 amends paragraph c of subdivision 17 of section 3602 to change the method of calculation of the apportionment for computer administration aid for large city school districts.

§37 amends paragraph a, c and d of subdivision 18 of section 3602 to continue the minimum apportionment for the 1989-90 school year and to make technical changes to the computation of the high tax and supplemental support transition.

§38 amends subdivision 18 of section 3602 to add a new paragraph f to provide for a low wealth due minimum guarantee apportionment.

§39 amends paragraph 6 of subdivision 19 of section 3602 to continue the save harmless provision into 1989-90.

§40 amends subdivision 20 of section 3602 to provide for a pupils with compensatory educational needs apportionment to city school districts in cities with populations between 50,000 and 125,000.

§41 amends subdivision 22 of section 3602 to make certain changes in the limited english proficiency aid apportionment.

§42 amends subparagraphs 1 and 2 of paragraph a of subdivision 25 of section 3602 to make certain changes in the computation of Tier I and Tier II attendance improvement/dropout prevention apportionments.

§43 amends paragraph f of subdivision 25 of section 3602 to change to February 1st the day by which the Commissioner shall prepare a report to the Legislature on the improvement in attendance and student retention in districts receiving aid.

§44 amends paragraph b of subdivision 27 of section 3602 to provide that for the 1989-90 school year, a school district may elect to receive the higher of the excellence in teaching apportionment received in the base year or an amount computed for the current year.

§45 amends subparagraph 4 of paragraph b of subdivision 29 of section 3602 to change to January 1st the date by which a school district must file an interim report on its early grade intervention program and to change to February 1st, the date by which the Commissioner of Education shall prepare a report to the Legislature on such program.

§46 amends subdivision 33 of section 3602 to make its provisions concerning the supplemental support apportionment applicable to the 1989-90 school year.

§47 amends paragraph 5 of subdivision 32 of section 3602 to change to February 1st, the date by which the Commissioner of Education shall prepare a report to the Legislature concerning the educationally related support services apportionment.

§48 amends subparagraph 1 of paragraph b of subdivision 36 of section 3602 to make certain changes in the definition of "transfer pupil count".

§49 amends paragraph d of subdivision 1 of section 3602-a to make its provisions concerning student information systems applicable to 1989-90 school year.

§50 amends subdivision 1 of section 4210 to make several changes in the apportionment for readers aid to blind or deaf students, including an increase to $1,000 of the maximum amount which can be spent per eligible student per year.

§51 amends paragraph a of subdivision 2 of section 4402 to provide that a student with a handicapping condition who is first eligible to attend public school in the 1989-90 school year shall not be eligible for special education services during the months of July and August 1989.

§52 amends subdivision 1 of section 4405 to provide for reimbursement of expenditures made by a social services district for the maintenance of a child with handicapping conditions placed in a residential school.

§53 amends subdivision 3 of section 4405 to add a new paragraph f concerning tuition rates for children with handicapping conditions placed in residential schools.

§54 amends paragraph a of subdivision 1 of section 4407 to provide that school districts may contract with out of state educational facilities for the provision of special education services under certain circumstances.

§55 repeals subdivisions 2 and 3 of section 4407.

§56 renumbers subdivision 4 of section 4407 to subdivision 2 and amends the subdivision to provide that the State Education Department shall maintain a register of out of state educational facilities qualified to provide special education services.

§57 amends section 4408 to provide that payment for July and August programs for children with handicapping conditions made prior to April 1st shall not exceed 75 percent of the sum of the approved tuition and maintenance rates and transportation expense.

§58 amends subdivision 1 of section 236 of the Family Court Act to make several technical changes concerning the powers of the family court with regards to certain handicapped children in New York City.

§59 amends paragraph 1 of subdivision g of section 12 of chapter 280 of the Laws of 1978, as amended by chapter 53 of the Laws of 1988, to provide advances due to an applicable school district or city as follows:

	New	*Old*
1989-90	100%	75%
1990-91	75%	50%
1991-92	50%	25%
1992-93	29%	no advance
1993-94 on	no advance	no advance

§60 amends section 1 and 2 of chapter 689 of the Laws of 1988, relating to a special equalization rate for Roosevelt Union Free School District, to make certain technical changes.

§61 provides for a low wealth due minimum guarantee supplement to school districts.

§62 provides that for the 1989-90 school year the provisions of subdivision 1 of section §318 of the real property tax law relating to the 2 percent limit shall be deemed to be 5 percent.

§63 appropriates for the development and continuation of magnet school programs the following amounts to the following city school districts for the 1989-90 school year:

New York City	$ 2,175,000
Buffalo	9,525,000
Rochester	10,500,000
Syracuse	3,250,000
Yonkers	19,500,000
Newburgh	4,375,000
Poughkeepsie	875,000
Mount Vernon	1,400,000
New Rochelle	1,200,000
Schenectady	1,400,000
Port Chester	950,000
White Plains	300,000
Niagara Falls	200,000
Utica	200,000
Albany*	200,000

*(Albany only) to develop a plan for a comprehensive magnet school program to begin in September 1990. No payment shall be made until the plan is approved by the Commissioner of Education.

§64 provides student information system grants.

§65 provides grants for programs for pupils with compensatory educational needs.

§66 continues the special reading programs in New York City at the level of $10,950,000 in 1989-90.

§67 continues the special reading programs in Buffalo at the level of $15,500,000 in 1989-90.

§68 continues the special reading programs in Rochester at the level of $1,500,000 in 1989-90.

§69 continues the special reading programs in Yonkers at the level of $5,000,000 in 1989-90.

§70 continues the special reading and academic programs in Syracuse at the level of $6,000,000.

§71 appropriates $4,400,000 for the payment of certain July and August programs during the 1989-90 school year for children with handicapping conditions.

CHAPTER 78 (see Chapter 78 under Taxation and Financial Administration).

CHAPTER 391 (effective April 1, 1989, in part; and July 1, 1989, in part) amends chapters 50, 51, 52, 53 and 54 of the Laws of 1989, chapter 280 of the Laws of 1978 and chapter 262 of the Laws of 1988 to make technical corrections to such chapters. In addition, the chapter makes technical corrections to numerous sections of the Education Law relating to state aid to schools, and adds a new subdivision 5 to section 4407 of the Education Law to require the Commissioner to prescribe the form for contracts under section 4407 of the Education Law between school districts and educational facilities.

CHAPTER 711 (see Chapter 711 under Miscellaneous).

TAXATION AND FINANCIAL ADMINISTRATION

Local Government Records Management Improvement Fund

CHAPTER 78 (effective July 30, 1989) creates the New York State Local Government Records Management Improvement Fund in the joint custody of the State Comptroller and the Commissioner of Taxation and Finance, and authorizes county clerks to impose a surcharge for recording, entering, indexing or endorsing a certificate on any instrument, or for assigning an index number to actions pending in County or Supreme Court. A percentage of those funds are to be retained locally for records management and expenses, with the bulk of the extraordinary funds then deposited into the New York State Local Government Records Management Improvement Fund.

Guidelines on Purchase of State Food Products

CHAPTER 103 (effective September 1, 1989) amends subdivision 5 of §355 of the Education Law and §174-a of the State Finance Law to authorize the trustees of the State University of New York, with the assistance of the Commissioner of the Office of General Services, to establish guidelines pertaining to the purchase of New York State food products.

Community School Board Financial Reports

CHAPTER 178 (effective July 19, 1989) amends section 2590-i of the Education Law by adding a new subdivision 17 requiring each community school district superintendent in New York City to prepare a quarterly financial report which accounts for all funds received and expended by the community school board. Copies of the report are to be given to the New York City board of education and the subject community school board, and also made available to the public.

Dormitory Authority Construction

CHAPTER 407 (effective July 16, 1989) amends §1676 of the Public Authorities Law and the Education Law to authorize financing through the Dormitory Authority for construction, reconstruction, rehabilitation, improvement and renovations to the educational or residential facilities of state-supported schools governed by Article 85 of the Education Law. The chapter also creates a fiscal mechanism for the financing of these projects and for repayment to the Dormitory Authority by the state-supported schools.

Dormitory Authority Construction

CHAPTER 439 (effective July 16, 1989) amends 1676 of the Public Authorities Law and the Education Law to authorize financing through the Dormitory Authority for the construction and development of a new school building for the Westchester School for Special Children.

"Homestead and Nonhomestead Tax Rates "Eligible Split School District"

CHAPTER 500 (effective July 16, 1989) amends subdivision (x) of section 1901 of the Real Property Tax Law to change the definition of "eligible split school district" for the purpose of the optional homestead and nonhomestead tax rates to a "school district located in more than one city or town where one-fifth or more of the parcels in the first year in the school district are located in one or more approved assessing units.

CHAPTER 539 (effective July 16, 1989) amends several provisions of the State Finance Law to make applicable to the City University of New York certain restrictions on funding of State installment purchases through the use of certificates of participation, and certain restrictions on installment and lease purchases of personal property.

State Installment Purchase Funding - CUNY

CHAPTER 549 (effective July 16, 1989) amends 1676 of the Public Authorities Law and the Education Law to authorize financing through the Dormitory Authority for the construction and development of a new school building and dormitories for Guided Growth, Inc.

Dormitory Authority Construction

CHAPTER 557 (effective July 16, 1989) requires that the Director of the Budget approve all projects associated with Dormitory Authority construction at State-supported schools for blind and deaf students.

Dormitory Authority Construction

CHAPTER 702 (effective July 24, 1989) provides that any resolution of a school district in the county of Nassau filed with the State Board of Equalization and Assessment pursuant to Real Property Tax Law section 485-b(7) and adopted prior to July 24, 1985, shall be deemed valid and binding in such school district for the school tax years commencing in 1983 and ending in 1986.

Real Property Tax Resolution

MISCELLANEOUS

CHAPTER 2 (effective February 2, 1989) amends section 2590-c of the Education Law to provide that candidates for New York City community board member shall be nominated by petitions in accordance with administrative regulations for the conduct of elections by proportional representation, promulgated by the city board and approved by the New York City board of elections.

Community School Board Elections

CHAPTER 13 (effective March 20, 1989) amends the provisions of Article 13-e of the General Municipal Law to authorize trusts for cultural resources to issue bonds for the purpose of making loans to museums of popular media and culture and to help defray the costs of real property development incurred by such museums.

Bonds for Loans to Museums of Popular Media and Culture

CHAPTER 69 (effective April 27, 1989) amends Executive Law section 442(1) to add the Commissioner of Labor as a member of the Council on Children and Families.

Council on Children and Families

CHAPTER 109 (effective May 30, 1989) amends subdivision 4 of section 1124 of the Education Law to authorize the Independent Living Center currently located in Middletown to be located in the cities of Middletown or Port Jervis or in the town of Deerpark, Greenville, Mount Hope, Warwick or Wawayanda or in the village of Goshen.

Relocation of Independent Living Center

CHAPTER 186 (effective June 24, 1989) amends section 398-c of the General Business Law in regard to setting time restrictions on the admittance of children to roller skating rinks and indoor ice skating rinks on any day preceding a day in which school classes will be in session. This chapter changes from 14 to 12 years, the age under which a child, who is unaccompanied by a parent, guardian or authorized adult, may be prohibited from attending the skating rinks after 6:00 p.m. on any day preceding a day on which school classes will be in session. This chapter also extends from 10:00 to 11:00 p.m., the time within which children between the ages of 12 years and less than 16 years may remain in such skating rinks, on any day preceding a day on which schoól classes will be in session.

Skating Rinks - Time Restrictions for Children

CHAPTER 244 (effective January 1, 1990) amends sections 206, 340, and 347 of the Public Health Law, repeals Article 13-E of the Public Health Law and enacts a new Article 13-E, to regulate smoking in most public areas. Smoking is absolutely prohibited in classrooms where instruction or training is provided. Smoking is generally prohibited in indoor areas open to the public in all public and private schools, including elementary and secondary schools, colleges, universities and other education and vocational institutions; and in museums and libraries, except that provision may be made for designated smoking areas within such schools and institutions.

Regulation of Public Smoking

CHAPTER 328 (effective July 10, 1989) adds a new Title I-A to Article 24 of the Public Health Law to establish a breast cancer detection and education program. The chapter authorizes the Commissioner of Health to make grants to approved organizations to provide breast cancer detection and education services to unserved or underserved populations, and to provide information concerning breast cancer detection to the public and health care professionals.

Breast Cancer Detection

CHAPTER 336 (effective January 1, 1990) adds a new subdivision 4-a to section 202 of the State Administrative Procedure Act (SAPA) to require agencies to publish a Notice of Revised Rule Making and provide an additional 30-day public comment period whenever a "substantial revision" is made in the text of the rule for which a Notice of Proposed Rule Making was previously published. A new subdivision 9 is added to SAPA section 102 to define "substantial revision" as a change in the text of the rule "which materially alters its purpose, meaning or effect" and to specify that such term shall not include a change "which merely defines or clarifies such text." This chapter also amends SAPA sections 202-a and 202-b to require agencies to issue Revised Regulatory Impact Statements and Revised Regulatory Flexibility Analyses when the rule contains any substantial revisions which necessitate that the statement or analysis be modified, or when there are any changes in the text of the rule which necessitate that such statement or analysis be modified. This chapter also amends SAPA section 203(1) to eliminate the existing requirement that the effective date of a rule which has been substantively changed after publication in the State Register be delayed until at least 21 days after such rule is filed with the Secretary of State. This chapter also makes conforming changes to various provisions of the State Administrative Procedure Act and the Executive Law to reflect the existence of the new Notice of Revised Rule Making.

State Agency Rule Making

CHAPTER 349 (effective July 12, 1989) amends the provisions of Article 13 of the Education Law to add new §§610-a and 668-b to authorize the award of memorial scholarships for children of deceased police officers, firemen, and volunteer firefighters, and to authorize memorial awards for the same individuals.

Memorial Scholarships

Scholarships are to be calculated in accordance with the provisions of §610, subdivision 6, paragraph a with the provision that the amount so calculated would not be reduced by income and the recipient would not be required to receive a Pell grant. Scholarships are to be payable for four academic years of undergraduate study or five academic years in a program normally requiring five years.

Children who received memorial scholarships are also eligible to receive awards equal to the amount of the actual annual tuition charged the recipient or the tuition charged by the State University of New York plus the college fee required by the State University, whichever is less, reduced by the amount received by the recipient pursuant to the newly added provisions of §668-a. Awards are also to be payable for four or five academic years. The awards will first become payable for the 1991-92 academic year.

CHAPTER 364 (effective January 1, 1990) amends section 15 of the Worker's Compensation Law which currently requires an injured worker to participate, as soon as practicable, in a board approved rehabilitation program. The chapter would allow an individual to receive benefits where it is demonstrated that the worker has cooperated in an effort to participate in such an approved rehabilitation program and has been determined by the board not to be a feasible candidate for rehabilitation.

Injured Worker Rehabilitation Program

CHAPTER 369 (effective July 12, 1989) amends the provisions of Public Health Law §§231 and 232 and 4 of Chapter 355 of the Laws of 1985 to expand the definition of eligible institutions and facilities that receive health care services from the New York State Health Services Corps, to include "AIDS service sites." "AIDS service sites" is defined in the chapter to include various entities designated by the Commissioner of the Health Department, which provide care and treatment to individuals infected with AIDS or HIV, and which are currently experiencing a shortage of health care personnel. This chapter also clarifies the sunset provision of previous legislation pertaining to scholarships, and permits all scholarship awards and service obligations incurred prior to the sunset date, to continue in effect.

Health Care Services -AIDS Service Sites

CHAPTER 399 (effective July 16, 1989) amends subdivision 2 of section 355 of the Education Law and adds a new section 142 to the Public Buildings Law to authorize the Commissioner of General Services to establish a water conservation program for all State-owned public buildings.

Water Conservation Program

CHAPTER 434 (effective July 16, 1989) amends paragraph (A) of subdivision 4 of section 422 of the Social Services Law to prohibit the disclosure of the identity of employers or other entities associated with persons reporting to the Statewide Central Register of Child Abuse and Maltreatment.

Child Abuse Reports - Confidentiality

CHAPTER 449 (effective January 1, 1990) amends section 501 of the Vehicle and Traffic Law to provide restrictions on the use of class 6 and class 8 drivers' licenses and learners' permits issued to a person applying for a class 6 or class 8 license. Subdivision 5 of section 2266 of such laws is repealed. Restrictions are placed on the use of class 6 and class 8 licenses between five o'clock in the morning to nine o'clock in the evening or nine o'clock in the evening to five o'clock in the morning when going to or from school among other places. Such licenses are prohibited in New York City. There are additional restrictions in Nassau and Suffolk Counties.

Drivers' License Restriction - Class 6 and 8, Learners' Permits

CHAPTER 520 (effective July 16, 1989) amends the Labor Law to require contractors and persons employed by contractors, including handlers, project designers, inspectors and management planners to possess valid asbestos handling certificates prior to working on any asbestos project. The chapter requires such individuals to have the certificate in their possession during periods of work on an asbestos project. The Commissioner of Labor is empowered to revoke or to deny issuance of such certificates for good cause. The chapter also requires related regulations promulgated by the Commissioners of Labor and Health to comply with the requirements of the Federal Asbestos Hazard Emergency Response Act.

This chapter also amends the terminology of subdivisions 4 and 5 of Education Law §434 to conform with the companion amendments to the Labor Law.

Asbestos Handling Certificates

Report on NYC Schools

CHAPTER 543 (effective July 16, 1989) amends section 8 of Chapter 740 of the Laws of 1988 by extending the filing deadline for the final report of the temporary state commission to study and make recommendations concerning the effectiveness of the governance of the school districts in the City of New York. This chapter extends the date by which the temporary state commission must submit its final report to the Legislature and the Governor from December 1, 1989 to December 1, 1990.

Occupational Education Leadership Training Program

CHAPTER 590 (effective July 21, 1989) authorizes the Commissioner of Education to establish an occupational education leadership training program for students enrolled, or planning to enroll, in a State approved occupational education sequence or occupational program area. Adult advisors of local occupational education student leadership organizations are also be eligible to participate in the programs. The program is to be conducted by the State Education Department.

NYC Teacher Licensure

CHAPTER 628 (effective July 21, 1989) amends section 2590-j(5)(c)(ii) of the Education Law relating to the establishment of qualifying scores on the National Teachers' Examination for purposes of licensure as a teacher in New York City. This chapter requires that such scores be consistent with qualifying scores established by the Commissioner of Education for State certification or, where the Commissioner has not established a passing score, that such scores be established by the Chancellor based upon an appropriate validity study.

Reference and Research Library Resources System

CHAPTER 635 (effective July 21, 1989) amends the provisions of paragraph c of subdivision 2 of §272 of the Education Law to authorize public libraries located in Suffolk or Nassau County which are members of a public library system and which provide service within the area served by a reference and research library resources system to become members of the reference and research library resources system. The chapter also renumbers subparagraphs 4 and 5 of paragraph c of subdivision 2 of said law.

Drug and Alcohol Abuse Prevention

CHAPTER 711 (effective July 24, 1989) provides funding to enable the Task Force on Integrated Projects for Youth and Chemical Dependency which was created by Chapter 812 of the Laws of 1987 to create pilot projects for up to $100,000 to develop and implement a community wide system of drug and alcohol abuse prevention and education programs to serve high risk youth. The chapter earmarks at least 50 percent of the funds for the provision of services in rural areas.

CHAPTER 718 (effective November 21, 1989) amends section 353 of the Executive Law by adding a new subdivision 14 authorizing the Division of Veterans' Affairs, in cooperation with the Commissioner of Education, to develop a form for the collection of information concerning certain children whose parent or parents served in the armed forces in Vietnam during the Vietnam conflict. The form will elicit such information from families who have children classified by a school district committee on special education (CSE) as either learning disabled or emotionally disturbed. It will indicate that the parent is not required to provide the information and that the information will have no bearing upon the services the child will receive. The form will further indicate that the information will be used for research purposes only.

Children of Vietnam Veterans

The chapter also amends subparagraph (3) of paragraph (b) of subdivision (1) of section 4402 of the Education Law, adding a new clause (h) requiring the CSE to provide the form to the parent or person in parental relation to a designated child.

CHAPTER 766 (effective September 9, 1989) amends the Criminal Procedure Law to require that each state or local agency, unit of local government, state or local commission, public authority, or public or private organization which employs peace officers, shall also be responsible to provide them with the training specified in §2.30 of the Criminal Procedure Law.

Peace Officer Training

LAWS OF LOCAL APPLICATION

Creation of a Public Library District - Ulster

CHAPTER 211 (effective June 26, 1989) authorizes the creation of a public library district to consist of the Town of Ulster in Ulster County. The library district would not be created unless and until its creation is approved by a vote of a majority of the qualified voters of the Town of Ulster. The voters would also vote on a budget and the election of nine trustees. The chapter provides for the election of trustees and budget approval in subsequent years, and states that the expenditures approved by the voters shall be a levy against real property within the Town of Ulster. The Town of Ulster would be authorized and required, upon request of the trustees of the library district, to incur indebtedness to finance the purchase of new library facilities or to improve existing facilities.

The chapter provides that the initial trustees would apply to the Board of Regents for a charter, and that upon the receipt of a charter, the property held by the Ulster Library shall become the property of the newly created library district. Employees of the Ulster Library shall become employees of the library district.

Transportation Aid - Limestone

CHAPTER 275 (effective July 7, 1989) authorizes the State Education Department to pay transportation aid to the Limestone Union Free School District for 1988-89 expenditures for transportation contracts that would not be aided pursuant to Education §3625 due to the district's failure to file the contract within the statutorily mandated 30 days. The chapter waives the 30 day requirement and permits payment of aid only with respect to the Limestone school district.

Transportation Aid - Haverstraw-Stony Point

CHAPTER 277 (effective July 7, 1989) authorizes the Education Department to apportion full transportation aid to the Haverstraw-Stony Point Central School District for student transportation provided during the 1987-88 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid - Cohocton

CHAPTER 278 (effective July 7, 1989) authorizes the State Education Department (SED) to apportion transportation aid to the Cohocton Central School District for certain transportation contracts for the 1988-89 school year as if said contracts had been duly transmitted to SED on a timely basis.

Deficit Funding - Wyandanch

CHAPTER 316 (effective July 10, 1989) authorizes the Wyandanch Union Free School District to issue obligations not to exceed $2.4 million to fund its deficit accumulated as of June 30, 1988 and additional obligations not to exceed $600,000 to eliminate its projected deficit in 1988-89. The chapter requires the school district to submit a report regarding the deficit to the State Comptroller and prohibits the issuance of bonds or bond anticipation notes by the district unless and until the state Comptroller has confirmed the existence of a deficit and the amount thereof.

CHAPTER 354 (effective July 12, 1989) authorizes the Education Department to apportion full transportation aid to the Pine Valley Central School District for student transportation provided during the 1987-88 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid - Pine Valley

CHAPTER 367 (effective July 12, 1989) authorizes the Education Department to apportion full transportation aid to the Greene Central School District for student transportation provided during the 1987-88 school year, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid - Greene

CHAPTER 368 (effective July 12, 1989) authorizes the Education Department to pay 1989-90 transportation aid to the Ellenville Central School District for its 1988-89 expenditures which would not be otherwise aidable under §3625 of the Education Law. The chapter explains that the failure to file a timely request under §3625 was due to administrative and clerical error. The legislation provides a $14,000 appropriation.

Transportation Aid - Ellenville

CHAPTER 456 (effective July 16, 1989) authorizes the Education Department to apportion full transportation aid to the Dover Union Free School District for student transportation provided during the 1984-85, 1985-86 and 1987-88 school years, despite the failure of the district to timely file such contracts with the State Education Department, and notwithstanding the provisions of Education Law section 3625.

Transportation Aid - Dover

CHAPTER 499 (effective July 16, 1989) authorizes the creation of a public library district in the Town of Woodstock, Ulster County. The library district would not come into existence unless and until its creation and an initial budget is approved by a vote of the majority of those voting in an election to be held in September 1989.

Creation of a Public Library District - Woodstock

CHAPTER 516 (effective July 16, 1989) authorizes the City of Kingston and the Board of Education of the City School District of the City of Kingston to convey certain park lands.

Conveyance of Park Lands - Kingston

CHAPTER 559 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the 1988 and 1989 assessment rolls and annually thereafter establish a special equalization rate for the real property located in the Westbury Union Free School District, Nassau County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law for the computation of aid payable in the 1990-91 school year and thereafter.

Special Equalization Rate - Westbury

CHAPTER 560 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the 1988 and 1989 assessment rolls and annually thereafter establish a special equalization rate for the real property located in the Uniondale Union Free School District, Nassau County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law for the computation of aid payable in the 1990-91 school year and thereafter.

Special Equalization Rate - Uniondale

CHAPTER 561 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the 1988 and 1989 assessment rolls and annually thereafter establish a special equalization rate for the real property located in the Wyandanch School District, Suffolk County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law for the computation of aid payable in the 1990-91 school year and thereafter.

Special Equalization Rate - Wyandanch

CHAPTER 562 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the 1988 and 1989 assessment rolls and annually thereafter establish a special equalization rate for the real property located in the Central Islip School District, Suffolk County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law for the computation of aid payable in the 1990-91 school year and thereafter.

Special Equalization Rate - Central Islip

CHAPTER 563 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the 1988 and 1989 assessment rolls and annually thereafter establish a special equalization rate for the real property located in the Brentwood School District, Suffolk County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law for the computation of aid payable in the 1990-91 school year and thereafter.

Special Equalization Rate - Brentwood

CHAPTER 698 (effective July 22, 1989) amends subdivision 2 of section 2502 of the Education Law and also adds a new subdivision 9-a to that section to provide for a five member elected board of education in the City School District of the City of Rensselaer. Currently members are appointed to the board of education.

Board of Education - Rensselaer

CHAPTER 748 (effective July 1, 1990) creates a new Union Free School District in the incorporated village of Kiryas Joel, in the town of Monroe. The chapter also establishes a board of education composed of five to nine members elected by the voters of the village who would serve for a period not to exceed five years.

Creation of Union Free School District- Kiryas Joel

CHAPTER 761 (effective July 1, 1989) requires the State Board of Equalization and Assessment to establish for the 1988 and 1989 assessment rolls and annually thereafter establish a special equalization rate for the real property located in the Amityville Union Free School District, Suffolk County for the sole purpose of determining actual valuation pursuant to paragraph c of subdivision 1 of section 3602 of the Education Law for the computation of aid payable in the 1990-91 school year and thereafter.

Special Equalization Rate - Amityville

HIGHER EDUCATION

CHAPTER 193 (effective June 24, 1989) amends Section 652 of the Education Law to add a new subdivision 8 to provide that the Commissioner of Education, the Chancellor of the State University or the Chancellor of the City University may designate an officer of his or her respective department or university to represent and exercise all the powers of the commissioner or chancellor at all meetings of the board of trustees of the Higher Education Services Corporation from which they may be absent.

The designation must be filed in the respective department or university and with the secretary of the board.

Higher Education Services Corporation Board of Trustees Meeting

CHAPTER 309 (effective July 1, 1990) amends provisions of Education Law §§670-a, 676, and 679-a to establish a uniform definition of the cost of attendance for students applying for financial aid to include: tuition, required fees, laboratory and other instruction-related expenses, books, transportation, room and board.

Financial Aid - Cost of Attendance

CHAPTER 405 (effective August 1, 1990) adds a new Section 2165 to the Public Health Law to require measles, mumps and rubella immunizations for postsecondary students in New York State and would further require annual reports by the institutions to the Commissioner of Health who would then report annually to the Governor and the Legislature.

Immunization - Postsecondary Student

CHAPTER 530 (effective July 16, 1989) amends section 3102-a of the Public Authorities Law to authorize the New York State Science and Technology Foundation to designate electronics packaging as an advanced technology area in connection with the establishment of centers for advanced technology.

Centers for Advanced Technology

CHAPTER 641 (effective July 21, 1989) amends subdivision 1 of section 252 of the Personal Property Law to provide that lost property found in State-operated institutions in the State University of New York may be deposited with a State University security officer or peace officer. Proceeds from the sale of unclaimed property so deposited would be paid into the State University Income Fund.

Lost Property Deposited with SUNY Security

Dental Anesthesia Certificates

CHAPTER 42 (effective April 14, 1989) amends a section of Chapter 387 of the Laws of 1988 to change the effective date of the Chapter from the original date of May 1, 1989 to January 1, 1990. Chapter 387 of the Laws of 1988 relates to a new requirement that dentists obtain dental anesthesia certificates in order to employ general anesthesia and parenteral sedation at any location other than a general hospital.

Rehabilitation of Impaired Physicians

CHAPTER 55 (effective April 14, 1989) amends §230 of the Public Health Law to establish an additional three-year demonstration period for a physician committee of the state medical society or the state osteopathic society to refer to treatment those physicians who are thought to be suffering from alcoholism, drug abuse or mental illness.

Medical Advertising - Use of Term "Doctor"

CHAPTER 65 (effective July 20, 1989) adds a new §350-b to the General Business Law to require any person who uses the title "doctor" as a part of an advertisement for certain drugs, devices, cosmetics, goods, or services connected with human disease, pain or nutritional deficiency to disclose the profession in which he or she is licensed, or if no license is required by the Education Department, the major subject in which the degree was earned and the name of the institution that issued the degree. Provisions for a civil penalty and the use of injunctive relief are also included.

Dental Hygienists - Child Abuse Reports

CHAPTER 194 (effective January 1, 1990) amends subdivision 1 of section 413 of the Social Services Law to include dental hygienists among those required to report or cause a report to be made when they have reasonable cause to suspect that a child they see in a professional or official capacity is an abused or maltreated child.

The chapter also amends the provisions of subdivision 3 of section 6507 of the Education Law to provide that dental hygienists initially licensed or renewing a registration after January 1, 1991, have completed two hours of course work or training regarding the identification and reporting of child abuse and maltreatment.

Nursing Scholarship Awards

CHAPTER 412 (effective July 1, 1990) amends the provisions of 606 of the Education Law to authorize counties of New York State outside New York City to establish scholarship awards for State residents to pursue the professional study of nursing.

Controlled Substances - Anabolic Steroids

CHAPTER 418 (effective January 12, 1990) amends the provisions of Schedule II of §306 of the Public Health Law to add anabolic steroids to the list of controlled substances regulated by Article 33 of that Law, and amends §3331 of the Public Health Law to provide that practitioners may not administer, prescribe, dispense or distribute an anabolic steroid referred to in the amended Schedule II for other than therapeutic purposes, and without first obtaining informed consent from the individual, or a person legally authorized to consent on behalf of the individual.

Purchase of Adaptive Equipment

CHAPTER 191 (effective June 24, 1989) amends sections 3, 5, and 6 of Social Services Law to increase from $2,000 to $4,000 the amount the Department of Social Services may lend to a person with a disability to purchase adaptive equipment. The chapter further provides that the loan funds may be used to purchase adaptive equipment to permit a disabled person to operate a motor vehicle, but not to purchase a motor vehicle.

Appointment of Guardian - Developmentally Disabled

CHAPTER 675 (effective January 1, 1990) amends the Surrogate's Court Procedure Act by extending the guardianship appointment provisions, which currently apply to the mentally retarded, to individuals with developmental disabilities as well as those who are mentally retarded.

Worker's Compensation - Sheltered Workshop and Institutional Worker Programs

CHAPTER 690 (effective July 22, 1989) amends section 3309 of the Mental Hygiene Law to permit sheltered workshop programs operated by the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities and voluntary agencies or institutional worker programs operated by the Office of Mental Health to be eligible for worker's compensation benefits upon the election of the affected office or agency.

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